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EXAMINER	
SUAZO, RAINIER A	
ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,438	SMITH ET AL.	
	Examiner	Art Unit	
	Rainier Suazo	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The response to the non-final office action mailed on **08/12/2004** was received on **11/12/2004** and has been entered into record.

2. Claims **1-38** are now pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**), hereinafter referenced to as Schultz in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi.

Regarding claim **1,** Schultz disclosed a system and method for presenting data from a plurality of sources to a user. The system includes a plurality of information sources, a user interface (data event destination module 204a-c), content storage and a server (data worker module 200) connected to the user interface and the content storage (Abstract). Schultz depicted in **FIG. 3 and described in column 6 lines 9-12**, a way to reach the information source trough a slave server (data source interface module 202). The user may be notified via e-mail or message to a channel when a particular event

occurs which describes event-driven configurable structure. **(Abstract, Figs. 1-3, column 13 lines 19-31)**.

Regarding claim **3,** Schultz disclosed in a data entry device 20 and a server 12 as two separate component of the system 10, therefore describing an abstracted design. **(Column 2 lines 57-65)**.

Regarding claim **4,** Schultz disclosed the inclusion of a search engine 30 in **FIG. 2** and describes its purpose in **column 5 lines 24-32**.

Shultz taught to automatically selectively retrieving and presenting information or content (data it self) to end-users from at least one data source (data warehouse) and specifically a user interface with means for identifying data published **(figs. 1-3, column 3 lines 19-30 and 53-61, column 4 lines 55-61, column 5 lines 32-45 [providing pointers and storing content internally] and claims 4 and 20)**, therefore depicting the features and means for the system automatically selectively retrieve and present data according to a fist user criteria (or a data worker) however, Shultz did not teach specific details regarding: b) **a data forwarder to automatically selectively forward data to a destination device according to a second user defined criteria.**

Takahashi taught a system for forwarding electronic information (messages and data) **(see the abstract)**. The system **selectively forwards information to a plurality of different receiving device types depending on first and second predetermined criteria (abstract, figs. 2-14 and claim 12)**.

Shultz and Takahashi expressed concern about users managing large amounts of information related to Internet-information-retrieval-outbreak **(see the Background of**

the Intention in column 1 in Shultz and Takahashi). Shultz and Takahashi disclosed sending messages, alerts or notification to the user based on predetermined criteria, among other similarities **(Shultz column 4 lines 3-61 and Takahashi column 11, lines 1-65)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the methods/systems of Shultz with the teachings of Takahashi, motivated by Takahashi to explore the art of facilitating the transfer of information from the WWW to a user's computer or to a central-processing/intermediary system **(column 1 lines 20-36)** or motivated by Shultz to provide tools to overcome the problem of requiring a long-time-to-retrieve-information and requirement of a learning curve in order to retrieve relevant information published (for example in the Internet) **(column 1 lines 20-38)**, in order to provide a system/method for automatically selectively retrieving information/content/data/messages from at least one data source (for example DB, OLTP, Directory, Index, Mail Server or WWW Server) based on a first predetermined user criteria (for example Messenger or Search Filter) and automatically selectively redistributing such information/content/data/messages to a destination device (for example personal computer, cellular phone, pager or fax) based on a second predetermined user criteria (for example a router programmed with forwarding information), therefore benefiting the end-user by facilitating the retrieval of relevant content from the growing plethora of information published in the Internet and other data sources in a timely fashion.

Regarding claim **2**, Shultz taught the invention substantially as claimed however, Shultz did not teach specific details regarding interfacing with a short messaging system.

Takahashi taught a method/system interfacing with a short messaging system **(column 7 lines 37-67)**.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the methods/systems of Shultz with the teachings of Takahashi, motivated by Shultz to explore the art of sending short (headlines) alerts to end-users **(column 3 lines 53-61)**, in order to provide a system/method for sending alerts in the form of e-mail or in the form of a short message formatted to be presented in a pager and sent to the end-user by interfacing with a short messaging system. Therefore providing the benefit of reaching the user in a plurality of mobile destination devices.

5. Since all the limitations of the claimed invention were disclosed by the combination of Shultz and Takahashi, claims **1-4** are rejected.

6. Claims **5, 10 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of International Business Machines Corporation (**A Process for Customized Information Delivery**), hereinafter referenced to as IBM.

Regarding claim **5**, Schultz combined with Takahashi did not teach specific details regarding a query engine adapted to query a web page for content. IBM teaches that

the process in short, is simple: have the user's home PC surf the web for him gathering material; translate the material into audio format; sent the audio to the car and store it; and have the car replay the audio **(paragraph 1 lines 4-6)**. IBM disclosed in details that the web pages are then run through a speech synthesizer to create an audio file **(paragraph 6)**. The advantages of searching the web to find information are well known to one with ordinary skills in the art at the time of the invention and include access to vast amounts of information in fast and low cost manner.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Schultz combined with Takahashi with the teachings of IBM, motivated by Shultz to provide tools to overcome the problem of requiring a long-time-to-retrieve-information or learning curve in order to retrieve relevant information published (for example in the Internet) **(column 1 lines 20-38)**, in order to provide a system that specifically access the web to gather selected material (query) in the form of web pages to add a different data source at a low cost.

Regarding claim **10**, Schultz combined with Takahashi did not teach specific details regarding a formatter module to format content into XSL-information. IBM teaches that the web pages are then run through a speech synthesizer to create an audio file, therefore describing a module that effectively changes the format of the information or content **(paragraph 6 line 1)**. The advantage of the format change tough by IBM is to provide the user with the information in a way that he/she won't need to use his/her hands and eyes while driving the car. It would have been obvious to one of ordinary

skill in the art at the time of the invention was made to modify Schultz combined with Takahashi with the teachings of IBM to ease the information retrieval for the user.

Regarding claim **14**, web pages are created with HTML, therefore its inherited that the information received by the data source interface as disclosed by IBM contains HTML format data (see web page definition in The American Heritage® Dictionary, fourth edition, page 1554).

7. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and IBM, claims **5, 10 and 14** are rejected.

8. Claim **6, 19 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Herz (U.S. Patent Number **6,029,195**), hereinafter referenced to as Herz.

Regarding claim 6, the combination of Shultz with Takahashi taught the invention substantially as claimed however the combination of Shultz with Takahashi did not teach specific details regarding a query engine adapted to query a database for content. Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof **(column 33 lines 43-45)**. The advantages of searching a database to find information are well known to one with ordinary skills in the art at the time of the invention and include access to vast amounts of information arranged for ease of retrieval. It would have been obvious to one of ordinary skill in the art at the

time of the invention was made to further combine the combination of Schultz with Takahashi with the teachings of Herz, motivated by Herz to exploration of the art of using the WWW **(column 8, lines 18-21)** or the internet (taught by Shultz as a factor worsens the problem to be solved) in order to provide a system that specifically query a database for content to add a different data source.

9. Regarding claim **19**, the combination of Shultz with Takahashi taught the invention substantially as claimed however the combination of Shultz with Takahashi did not teach specific details regarding a Lotus database. Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof **(column 33 lines 43-45)**. The advantages of searching a Lotus database to find information are well known to one with ordinary skills in the art at the time of the invention and include gaining access to a different data source. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine The combination of Shultz with Takahashi with the teachings of Herz to query Lotus database to augment the searchable date sources.

10. Regarding claim **21**, the combination of Shultz, Takahashi and Herz taught the invention substantially as claimed however the combination of Shultz, Takahashi and Herz did not teach specific details regarding the use of XSL. According to its definition XSL is a language that allows describing how files are encoded in XML. It is well know in the art that XSL is a language which allows one to describe how files encoded in the

XML standard are to be formatted. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use or encounter XSL in an environment using XML.

11. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Herz, claims **6, 19 and 21** are rejected.

12. Claims **7, 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Herz (U.S. Patent Number **6,029,195**), hereinafter referenced to as Herz.

Regarding claim **7**, Schultz combined with Takahashi did not teach specific details regarding a query engine adapted to query a database for content using JDBC. The advantages of JDBC, by definition, include: (a) It provides the specification for programs written in JAVA to connect with popular databases and (b) allow to encode access request statements written in Structured Query Language (SQL). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Schultz with the teachings of Herz to query a database for content using JDBC to gain access to a plurality of popular databases.

Regarding claim **8**, Schultz combined with Takahashi did not teach specific details regarding a query engine adapted to query an e-mail account. Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof

(column 33 lines 43-45). The advantages of searching an e-mail account for information are well known to one with ordinary skills in the art at the time of the invention and include access to a different data source. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Schultz with the teachings of Herz to query e-mail accounts for content, since e-mail accounts are usually stored in databases or other type of searchable electronic files and to add a different data source.

Regarding claim **9**, Schultz combined with Takahashi did not teach specific details regarding a query engine adapted to query a database for content. Herz teaches a system that evaluates the target profiles against the users' target profile interest summaries to generate a user-customized rank ordered listing of target objects (column 1 lines 27-30) and said target objects are described to be electronically stored as text files can include commercially provided news articles, published documents, letters, user-generated documents, descriptions of physical objects, or combinations of these classes of data (column 33 lines 52-56), therefore describing documents in different formats but stored in text format (transformed from their original format) . It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Schultz with the teachings of Herz to improve information retrieval time by tenderizing the format in which the information is stored.

13. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Herz, claims **7, 8 and 9** are rejected.

14. Claims **11,12 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) hereinafter referenced to as Shultz in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of the definition of XML in The American Heritage® Dictionary, Fourth Edition.

Regarding claims **11 and 12**, Schultz combined with Takahashi did not teach specific details regarding the use of XML information transmitted from the data event destination module or received by the data source interface module; and also fail to teach the use of a protocol converter. According to The American Heritage® Dictionary, XML is a meta-language written in SGML that allows one to design a markup language and facilitates the exchange of data, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Schultz teachings to use a widely known language such as XML to facilitate data exchange and resend the user the information in an uniform format.

Regarding claim **12**, since the invention is conceived to retrieve information form a plurality of data sources It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a protocol converter to provide a single protocol transmission.

Regarding claim **16**, since the invention is conceived to retrieve information form a plurality of data sources It would have been obvious to one of ordinary skill in the art at the time of the invention was made to retrieve the requested information using a widely known language such as XML to facilitate data exchange.

15. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and the definition of XML in The American Heritage® Dictionary, Fourth Edition, claims **11,12 and 16** are rejected

16. Claim **13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) hereinafter referenced to as Shultz in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi, further in view of the definition of XML in The American Heritage® Dictionary, Fourth Edition and further in view of McConnell et al. (An Experimental 4-Mb Flash EEPROM with Sector Erase) hereinafter referenced to as McConnell.

The combination of Shultz and Takahashi in view of the XML definition taught the invention substantially as claimed, however did not teach specific details regarding XML data stream one byte at a time. Takahashi disclosed a system/method transmitting messages to devices with limited resource (pager) **(fig. 2)**. McConnell teaches memory that may be programmed 1 byte at a time while describing an experimental EEPROM flashing process on 4-Mbs density flash memories. Portable devices do not incorporate large amounts of resource due to space constraints and other limitations. It would have been obvious to one of ordinary skill in the art at the time of the invention was made further combine the combination of Shultz, Takahashi and the XML definition with the teachings of McConnell or with common knowledge in the art to read large amounts of data sub-dividing said data for transmission or processing to overcome hardware limitations.

17. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi, the definition of XML in The American Heritage® Dictionary, Fourth Edition and McConnell, claim **13** is rejected.

18. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Herz (U.S. Patent Number **6,029,195**), hereinafter referenced to as Herz.

The combination of Schultz with Takahashi did not teach specific details regarding a query of an e-mail account using IMAP protocol. Herz describes a supporting architecture further describing an electronic media system architecture, in which the information is comprised of individual "files", which can contain audio data, video data, graphics data, text data, structured database data and combinations thereof **(column 33 lines 43-45)**. The advantages of searching an e-mail account to find information are well known to one with ordinary skills in the art at the time of the invention and include gaining access to a different data source. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the combination of Schultz with Takahashi with the teachings of Herz to query e-mail accounts using IMAP since IMAP is a standard protocol used to access e-mail account on local area networks.

19. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Herz, claim **15** is rejected.

20. Claim **17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi, further in view of Herz (U.S. Patent Number **6,029,195**), hereinafter referenced to as Herz and further in view of Kantor et al. (Request for Comments: 977, Network Working Group) hereinafter referenced to as Kantor.

The combination of Schultz and Takahashi did not teach specific details regarding a news serve as a data source. Herz teaches a system that receives articles for storage in the mass storage systems of the information servers **(column 62 lines 47-55)**. Those articles are described as to be online and available from a wide variety of sources such as the AP or Reuters **(column 63 lines 26-28)**. Shultz invention would result to be improved if combined with Herz teachings by adding additional data sources to be searched. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Schultz with the teachings of Herz to augment the searchable data sources. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use NNTP to communicate with a "news server" since it is a well know protocol used to transfer articles between servers **(Request for Comments: 977, Sections 1.2-1.4)**.

Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi, Herz and Kantor, claim **17** is rejected.

21. Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number

6,442,589 B1) hereinafter referenced to as Takahashi and further in view of Small et al. (**Request for Comments: 2739, Network Working Group**) hereinafter referenced to as Small.

The combination of Schultz with Takahashi did not teach specific details regarding a vcalendar as a data source. Small teaches clients that are capable of retrieving information from calendaring and scheduling systems **(section 1.1)**. Shultz invention would result to be improved if combined with Small teachings by adding additional data sources to be searched. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the combination of Schultz with Takahashi with the teachings of Small to augment the searchable date sources.

22. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Small, claim **18** is rejected.

23. Claim **20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number 6,442,589 B1) hereinafter referenced to as Takahashi in view of Macera et al. (U.S. Patent Number **5,490,252**), hereinafter referenced to as Macera.

Schultz combined with Takahashi did not teach specific details regarding a SNMP MIB as a data source. Macera teaches a system wherein through extensions to the SNMP MIB, information can be collected describing every element of the BES network including all supported network-layer protocols and network circuit types **(column 8 lines 62-65)**. Shultz invention would result to be improved if combined with Macera teachings by adding additional data sources to be searched. It would have been

obvious to one of ordinary skill in the art at the time of the invention was made to combine Schultz with the teachings of Macera to augment the searchable date sources.

24. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Macera, claim **20** is rejected.

25. Claim **22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Reed et al. (U.S. Patent Number **6,088,717**), hereinafter referenced to as Reed.

Schultz combined with Takahashi did not teach specific details regarding the adapted data worker capable of generating an event listener capable to be activated at behest of the user. Reed teaches a communication system that allows users to receive an e-mail notification from a database agent monitoring the database when a new entry or a certain condition has been made in that database **(column 6 lines 62-66)**. Reed teaches that data exchange event initiated either manually by the consumer or automatically **(column 76 lines 8 and 9)**. Shultz invention would result to be improved if combined with Reed teachings by adding additional a flexible monitoring (event listener) functionality that can be activated automatically or at user behest. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Shultz and Reed to provide the user the monitoring functionality and the manually triggered activation of said monitoring functionality.

26. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Reed, claim **22** is rejected.

27. Claims **23, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi, in view of Reed et al. (U.S. Patent Number **6,088,717**), hereinafter referenced to as Reed as applied to claim 22 above, and further in view of von-Bultzingloewen et al. (**Active Information Delivery In A CORBA-Based Distributed Information System**) hereinafter von-Bultzingloewen.

Schultz combined with Takahashi and Reed did not teach specific details regarding a data destination filter. von-Bultzingloewen teaches a process to monitor database value changes, upon the detection of a change three CLIPS rules are executed. The first one to indicate that an event has occurred, effectively detecting "a change in content". The second one to querying the changed value and creating a fact. A third one to compare the new value to a limit value to determine if no action will proceed or if a notification will be sent, effectively detecting "a particular change in the content" and determining or "filtering" the action to be taken **(page 225 paragraphs 1 and 2)**. Shultz combined with Reed would result to be improved if combined with von-Bultzingloewen teachings by adding the advantage of different actions depending on the event that is monitored. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Shultz, Reed and von-Bultzinsgloewen to provide the user the monitoring functionality and different reactions to different events results.

28. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi, Reed and von-Bultzinsgloewen claims **23, 24 and 25** are rejected.

29. Claims **26, 30 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Zirngibl et al. (U.S. Patent Number **6,606,596**), hereinafter referenced to as Zirngibl.

Schultz combined with Takahashi disclosed the invention substantially as claimed including a system wherein a data entry device includes a user interface that **allows the user to select data in an individualized way and motivates the exploration of the art in providing alerts (monitoring or listeners) (Shultz: figs. 1-3, column 3 lines 19-30 and 53-61, column 4 lines 55-61, column 5 lines 32-45 and claims 4 and 20)**.

Zirngibl disclosed a system and method for the creation and automatic deployment of personalized, dynamic and interactive voice services, including information derived from on-line analytical processing (OLAP) systems and other data repositories. According to one of the disclosed embodiments Zirngibl disclosed that once a voice service is created, the system monitors predetermined conditions to determine when the voice service should be executed (event listener). Each voice service is executed when one or more predetermined conditions are met as specified during creation of the voice service. For example, a voice service may be executed according to a predetermined schedule or based on a triggering event (e.g., one or more conditions are met based on the output of an OLAP or other report). In the OLAP report implies the **monitoring** of a particular source and scheduled of triggered actions represent means for automatically and periodically executing an actions. When the predetermined condition is satisfied,

the voice service is executed. Executing a voice service includes the steps of generating the content specified by the voice service and the user preferences. Some users may have identical personalization options and, thus, a single call structure may be generated for a group of users with identical personalization options. The content of the voice service includes the information that is to be delivered (directed) to users of that voice service, and the Input to be requested from the user, among other things. The content may include, for example, static text messages, dynamic content (e.g., text based on information output from an **OLAP** report, other database or other sources) or blended text (e.g., static text combined with dynamic content). One of the embodiments described by Zirngibl comprise connection lines computer networks, where it is evident that the monitoring and receiving devices are independent or abstract **(Abstract, FIG. 10, column 2 lines 44-65, column 7 lines 19-27, column 8 lines 6-15 and column 27 lines 14-57)**. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the inventions to combine the combination of Shultz and Takahashi with the teachings of Zirngibl, motivated by Shultz to explore the art of monitoring and alerting **(column 4 lines 3-13)**, in order to obtain the claimed invention with the advantages of a single device performing both functions and a more sophisticated monitoring and alert system/method.

30. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Zirngibl, claims **26, 30 and 31** are rejected.

31. Claims **27 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**) in view of Takahashi et al (U.S.

Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi and further in view of Zirngibl et al. (U.S. Patent Number **6,606,596**), hereinafter referenced to as Zirngibl and further in view of Daswani et al. (U.S. Patent Number **6,477,565**), hereinafter referenced to as Daswani.

The combination of Shultz, Takahashi and Zirngibl did not teach specific details regarding the use of a wireless network in the invention. Daswani disclosed a system wherein a data center accesses the Internet and a wireless network that includes a notebook computer **(abstract, FIG 1, Column 6 lines 1-26)**. The advantages of accessing to wireless networks as taught by Daswani would include, but are not limited to, the utilization of a satellite links to overcome large geographical distances. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the combination of Shultz, Takahashi and Zirngibl, motivated by Takahashi to explore the art of wireless communication **(fig. 2)** with the teachings of Daswani to access a wireless network to retrieve data from databases and applications residing in such network exploiting the advantages of such wireless access.

32. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi, Zirngibl and Daswani, claims **27 and 32** are rejected.

33. Claims **28, 29 and 33-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz et al. (U.S. Patent Number **6,453,339 B1**, in view of Takahashi et al (U.S. Patent Number **6,442,589 B1**) hereinafter referenced to as Takahashi, in view of Zirngibl et al. (U.S. Patent Number **6,606,596**), hereinafter referenced to as Zirngibl and

further in view of von-Bultzinsgloewen et al. (**Active Information Delivery In A CORBA-Based Distributed Information System**) hereinafter von-Bultzinsgloewen.

Shultz combined with Takahashi and Zirngibl did not teach specific details regarding to define a change in content or a presence of a parameter as triggering events. von-Bultzinsgloewen disclosed in their paper a monitoring system that focuses on monitoring the change in content of a data source, which is an event that triggers a content analysis process. The content is then analyzed as a parameter against a threshold rule, which can be a trigger for a second event **(Pages 220-225)**. One of the advantages monitoring the changes in content and using it as parameters is the capability to automate manual reviewing of data thus enhancing the accuracy and reducing the time required for reviewing data.

Regarding claims **35** the combination of Shultz, Takahashi, Zirngibl and von-Bultzinsgloewen **taught** means for automatically and periodically directing content to a destination device **(Takahashi fig. 5 and 11 and claim 12)**.

It would have been obvious for one with ordinary skills in the art at the time the invention was made to combine the combination of Shultz, Takahashi and Zirngibl with the teachings of von-Bultzinsgloewen, motivated by Takahashi to explore the art of triggering events based on filtering conditions **(figs. 6 and 7)**, in order to incorporate the advantages of more accurate results by monitoring change in content of data.

34. Since all the limitations of the claimed invention were disclosed by the combination of Shultz, Takahashi and Macera, claims **28, 29 and 33-38** are rejected.

Response to Argument

35. The title of the invention has been amended. The Examiner found the amended title "Intermediate Individualized Network Information Server Utilizing User Criteria" to be descriptive of subject matter in the instant application. The objection to title has been withdrawn.

36. The Abstract has been amended. The Examiner found the amended abstract, in compliance with the provisions of MPEP 608.01 (b). The objection to the abstract has been withdrawn.

37. Claims **1, 10, 24 and 25** were amended. The Examiner found these amended claims, not indefinite under 35 USC 112, second paragraph. The 35 U.S.C. 112, second paragraph, rejection to claims 1, **10, 24 and 25** has been withdrawn.

Applicant's arguments (see page 14 of the response), filed on **11/12/2004**, with respect to claims **1-4** have been fully considered and are persuasive based on the currently amended claims. The U.S.C. 102(b) rejection of claims **1-4** as anticipated by Sizer has been withdrawn.

38. In response to applicant's **argument regarding claim 17** that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

the applicant did not provide evidence to demonstrate the inappropriateness of the combination. On the other hand Shultz and Herz taught inventions in the same field of invention related to retrieving data from a plurality of sources; in similar manner Kantor taught a protocol for the distribution, inquiry, retrieval and posting of news articles using the ARPA net (precursor of the actual Internet), therefore all of the references are related to distributed processing systems in networked environment. See **field of invention** in Shultz and Herz, and "**Status of This Memo** in Kantor. Moreover Herz motivates the exploration of the art of using the WWW or the internet (taught by Shultz as a factor that worsens the problem to be solved) in the **column 8, lines 18-21** and motivates the exploration of the art of querying retrieving news articles **(column 62, lines 37-55)**, which is the subject matter of Kantor. **Therefore the combination is proper.**

39. In response to applicant's **argument regarding claim 20** that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the applicant did not provide evidence to demonstrate the inappropriateness of the combination. On the other hand Shultz and Macera taught inventions in the same field of invention related to retrieving/transferring data in a distributed processing (each

component has a processing function) systems in networked environment. See **field of invention and the whole column 1 in Shultz and Macera**. Moreover Shultz motivates the exploration of the art of coupling different networks such as Internet and PSTN to transfer data between computer nodes **(column 5 lines 24-59)**, which is one of the more notorious aspects disclosed by Macera. **Therefore the combination is proper.**

40. The remaining arguments in the response to the office action mailed on **08/12/2004 (pages 15-29)** point out that the prior art allegedly did not teach specific details regarding to disclose or suggest: a) **a data worker module to automatically selectively retrieve data from at least one data source according to a first user defined criteria; and b**) **a data forwarder to automatically selectively forward data to a destination device according to a second user defined criteria.** The arguments presented in the **REMARKS** are not persuasive based on new grounds for rejection required by the amendments to the claims. Applicant's arguments with respect to **1-35** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931. The examiner can normally be reached on Monday through Friday, 8:00-5:00..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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